

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	CASE NO.: 18-34290-MBK CHAPTER 13 HEARING DATE: January 25, 2023 JUDGE: Chief Judge Michael B. Kaplan
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor LoanCare, LLC	
In Re: Daniel K Holt and Sandee E Larsen Debtors.	

RESPONSE TO DEBTOR'S MOTION TO REIMPOSE THE AUTOMATIC STAY

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COMES NOW, LoanCare, LLC ("Secured Creditor"), by and through undersigned counsel, and hereby files its Response to Debtor's Motion to Reimpose Automatic Stay (the "Motion to Reimpose") and, in support thereof, states as follows:

1. On December 11, 2018, Debtor filed a Voluntary Chapter pursuant to Chapter 13 of the Bankruptcy Code
2. Secured Creditor holds a security interest in the Debtor's real property located at 882 Derry Dr., Toms River New Jersey 08753 ("Property") by virtue of a Mortgage recorded on November 16, 2002 in Book 11090 at Page 0061 of the County Clerif of Ocean County, NJ.
3. On November 18, 2019, Secured Creditor filed a Motion for Relief from the Automatic Stay ("Motion for Relief") as a result of the Debtor's failure to timely maintain ongoing post-petition payments. At the time the Motion for Relief was filed, the Debtor was four (6) payments past due, and owed a total of \$10,650.32.

4. On March 11, 2020, an Order Resolving Secured Creditor's Motion for Relief from the Automatic Stay (the "Agreed Order") was entered by the Court, providing for the cure of the post-petition arrears via the modified plan.
5. On October 14, 2022, Secured Creditor filed a Motion for Relief from the Automatic Stay ("Second Motion for Relief") as a result of the Debtor's failure to timely maintain ongoing post-petition payments. At the time the Second Motion for Relief was filed, the Debtor was four (4) payments past due, and owed a total of \$7,353.84.
6. On November 10, 2022, an Order Granting Secured Creditor's Motion for Relief from Stay (the "Order") was entered by the Court, as a result of the Debtor's failure to oppose the Second Motion for Relief.
7. On December 23, 2022, the Debtor filed the instant Motion to Reimpose. The Motion to Reimpose alleges that the debtor misunderstood the terms of the loan modification and only paid principal and interest.
8. The arrears have now grown to \$11,192.25 as of the date this Response is filed, which is inclusive of the payments past due from July 2022 through and including January 2023.
9. Debtor's Motion to Reimpose proposes to once again cure the post-petition arrears via the modified plan filed on November 21, 2022. Secured Creditor is not confident that Debtor will be able to maintain timely post-petition payments moving forward as Debtor has already defaulted twice on post-petition payments and the only way Debtor was able to cure the arrears were via modified plans and not direct payments to Secured Creditor.
10. As such, Secured Creditor opposes Debtor's Motion to Reimpose as it will cause a great injustice to Secured Creditor and prevent Secured Creditor from exercising its legal and equitable remedies against the subject property.

11. Secured Creditor reserves the right to amend and or supplement this response prior to the hearing.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying Debtor's Motion to Reimpose as to Secured Creditor and all further relief this Court deems just and proper.

Dated: January 18, 2023

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

130 Clinton Road, Suite 202

Fairfield, NJ 07004

Telephone Number 973-575-0707

By: /s/Aleisha C Jennings

Aleisha C Jennings, Esq.

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CERTIFICATION OF SERVICE AND PROOF OF MAILING

I, Aleisha C Jennings, Esq.:

■ represent the movant in the above-captioned matter.

On January 18, 2023 I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: Response to Debtor's Motion to Reimpose the Automatic Stay, and this Certification of Service.

I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: January 18, 2023

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

130 Clinton Road, Suite 202

Fairfield, NJ 07004

Telephone Number 973-575-0707

By: /s/Aleisha C Jennings

Aleisha C Jennings, Esq.

Bar ID: 049302015

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Lee Martin Perlman Lee M. Perlman 1926 Greentree Road Suite 100 Cherry Hill, NJ 08003	Debtor's Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Daniel K Holt Sande E Larsen 882 Derry Drive Toms River, NJ 08753	Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.